

## UPCOMING EVENTS FOR COURT OF APPEALS

### **February 26, 2004:** “Mistakes I Have Made in Mediation.”

This event, to be held for the Appellate Mediators, will feature a panel of two -- David Aemmer, the Chief Mediator for the Tenth Circuit; and Nancy Stanley from our own Circuit -- who will talk candidly about mistakes they have each made over the years in mediating cases. They will describe specific cases, specific mistakes, how (and whether) they overcame those mistakes and why they think the mistakes occurred. These examples will include mistakes in strategy as well as “slips of the tongue” and other behaviors the two panelists think had an adverse effect on the discussions. The panelists will also talk about “mistakes” that – contrary to what might have been expected – seemed, in the end, to benefit the mediation process. This session is designed to encourage the volunteers to open up and talk candidly about their own mediation experiences and to share in a general discussion about mediation pitfalls and how to avoid them.

### **April 19<sup>th</sup> - 23<sup>rd</sup> (date still open):** “Emotion and Reason in Settlement Talks.”

Emotion is often seen as an impediment to “rational” discussion and a “rational” settlement of litigated issues. In this session, Claudia Bernard, a senior mediation attorney in the 9<sup>th</sup> Circuit Court of Appeals, will talk to the appellate and district court mediators about the role of emotion in mediation talks and the relationship between emotions and decision-making. Ms. Bernard’s presentation will draw on recent scientific discoveries relating to emotion and will focus on how we, as mediators, can use that research to become more effective.

### **Late spring/early fall (date still open):**

Gary W. Noesner is a former FBI hostage negotiator and the author of *Crisis Intervention: Using Active Listening Skills in Negotiations*. We plan to invite him to speak to the appellate mediators about his experiences during a lunch-time training session that has yet to be scheduled. The format will be the same as that used two years ago when Senator George Mitchell was the guest at an appellate mediator luncheon.